

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

GLEN EARL FOLSOM,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-17-1024-D
)	
CHANDRA GRICE,)	
)	
Defendant.)	

ORDER

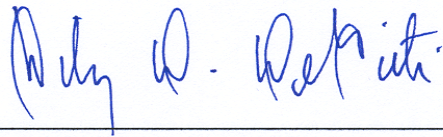
This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on November 14, 2017. Upon initial screening of the Complaint, which was filed *pro se*, Judge Purcell finds that Plaintiff's pleading fails to state a plausible claim for relief under 42 U.S.C. § 1983 and that the action should be dismissed. Within the time period for filing an objection, counsel for Plaintiff entered an appearance and obtained an extension of time to object. Plaintiff has now filed an Amended Complaint [Doc. No. 21] that attempts to cure the deficiencies found by Judge Purcell.

Under the circumstances, the Court finds that Plaintiff has waived further review of the issues addressed by the Report and Recommendation. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). The Court further finds, however, that the Amended Complaint was properly filed as a matter of right under Fed. R. Civ. P. 15(a)(1) and thus

the action should not be dismissed. Instead, the case will be re-referred to Judge Purcell for further proceedings.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 14] is ADOPTED in part, as set forth herein. The case is re-referred to Judge Purcell for further proceedings consistent with the initial case referral [Doc. No. 5].

IT IS SO ORDERED this 20th day of December, 2017.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE